REMARKS

This is intended as a full and complete response to the Office Action dated May 27, 2009, having a shortened statutory period for response extended three months and set to expire on November 27, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-3, 5-15, 17-24, 26-28, 30-34 and 38 under 35 U.S.C. 103(a) as being unpatentable over Henning (US 5,609,178) in view of Szarka (US 2003/0116320). Applicant respectfully traverses the rejection.

In the Office Action, the Examiner appears to rely on Szarka to disclose a variable flow restriction. It is assumed the reference is to the float valve 26 of Szarka. The Examiner suggests the float valve 26 "may be placed downhole or uphole from the valve". It is assumed "the valve" is the self-fill device 14 incorporating the flapper valves 147.

Accordingly, it appears that the Examiner is suggesting that the float valve 26, disclosed by Szarka positioned downhole of the device 14, may be relocated uphole from the device 14. Szarka contains no disclosure or suggestion of such a configuration, and such a rearrangement of the elements of Szarka would destroy the intended function of the disclosed apparatus. For instance, if the float valve was located uphole from the self-fill device 14 the valve 26 would prevent any flow up into the casing string and the casing could not self-fill. In other words, the device 14 would be rendered useless.

The Examiner further states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to place the flow restriction of Szarka above or below the valve of Henning, and that this would be done to have greater control over the fluid pressure within the bore. As noted above, Applicant respectfully disagrees with the Examiner's suggestion that the float valve 26 of Szarka may be relocated above a related valve. Furthermore, as noted above, the float valve 26 of Szarka is intended to be placed on the distal end of a casing or liner string 11 (see Szarka, paragraph 0018) and utilized while the string 11 is being run into a pre-drilled

hole, and in a subsequent cementing operation. The valve is furthermore constructed to be removable by drilling (see Szarka, paragraph 0025). Szarka fails to disclose or suggest any other function for the valve 26.

In contrast, Henning relates to a valve 10 which is clearly not intended for mounting in casing or liner for permanent placement in a bore, but in a string of coil tubing, a work string or other well tubular (see Henning, col. 3, lines 61 – 63 and col. 5, lines 15 – 17). Thus, one of ordinary skill in the art would not find it obvious to combine the valves of Henning and Szarka given that the valves are designed and intended for us in very different operations and in very different forms of tubing.

It is further observed that placing the float valve 26 of Szarka above the valve of Henning would not result in the tool as recited in claim 1, which requires the variable flow restriction to create a pressure differential such that the resulting force may be utilized to activate the valve arrangement. In the unlikely event of a float valve 26 such as described by Szarka being placed above the valve of Henning, the two valves would simply operate independently.

However, to more clearly distinguish the present invention from the prior art Applicant has amended claim 1 to incorporate the subject matter of claim 18. Accordingly, claim 1 now recites that the variable flow restriction is positioned upstream of the at least one flow port. As a consequence, claims 2, 3 and 18 have been cancelled. A corresponding amendment has been entered in claim 22, and consequently claims 23 and 24 have been cancelled. A corresponding amendment has been entered in claim 38, and claim 32 already includes the limitation of a flow restriction upstream of the at least one flow port.

As the foregoing illustrates, the combination of Henning and Szarka fails to teach or suggest all the limitations of claims 1, 22, 32 and 38. This failure precludes the combination of Henning and Szarka from rendering claims 1, 22, 32 and 38 obvious. Therefore, Applicant respectfully requests the 103(a) rejection of claims 1, 22, 32 and 38 be removed and allowance of the same. Additionally, the claims that depend from claims 1, 22, 32 and 38 are allowable for at least the same reasons as claims 1, 22, 32 and 38.

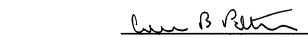
Allowable Subject Matter

The Examiner objected to claims 16, 29 and 35 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 16, 29 and 35 depend from claims 1, 22 and 32, respectively, and these claims are allowable for at least the same reasons as claims 1, 22 and 32.

Conclusion

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



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